



# Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the Thirty-first Day of *May* 1738.

## CHAP. I.

An Act for supplying the Treasury with the Sum of *Six Thousand Pounds* in Bills of Credit of the new Tenor, for discharging the publick Debts, &c. and for establishing the Wages of sundry Persons, &c. in the Service of the Province, and for the drawing in of the said Bills into the Treasury again; and for stating the Proportion between the Bills of the old and new Tenor in all publick and private Payments.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That the Wages of the Captain of *Castle William* shall be after the Rate of *four pounds four shillings and eight pence* per Month, from *May* the Twentieth of the last, One thousand seven hundred and thirty eight, to the Twentieth of November, One thousand seven hundred and thirty eight; of the Lieutenant for that Term, *Two pounds eleven shillings and four pence* per Month; of the Chaplain *Two pounds one shilling* per Month; of the Gunner *One pound ten shillings and nine pence* per Month; of the Gunners Mate *One pound six shillings and eight pence* per Month; of the Serjeant *Seventeen shillings and ten pence* per Month; of six Quarter Gunners each *Seventeen shillings and ten pence* per Month; of three Corporals each *Sixteen shillings* per Month; of a Drummer *Sixteen shillings* per Month; of thirty Centinels each *Thirteen shillings and four pence* per Month: For their Subsistence *Five shillings and ten pence* per Week each Man.

Establishment of Wages for the Garrison at *Castle William*.



Supply of the Treasury.

**And be it further enacted by the Authority aforesaid,**  
That the Wages of the Captain of *Richmond Fort*, from the Twenty first Day of May, One thousand seven hundred and thirty eight, to the Twentieth of November, One thousand seven hundred and thirty eight, shall be at the Rate of *One pound six shillings and eight pence* per Month; and of ten Centinels each *Thirteen shillings and four pence* per Month; of one Interpreter *Two pounds* per Month; of one Armourer *Two pounds* per Month; one Truck Master at *Forty pounds* per Annum; and for the Chaplain there *Thirty three pounds six shillings and eight pence* per Annum.

**And be it further enacted by the Authority aforesaid,**  
That the Wages of the Captain of the Truck House on *George's River*, from the Twenty first of May, One thousand seven hundred and thirty eight, to the Twentieth of November, One thousand seven hundred and thirty eight, shall be at the Rate of *One pound six shillings and eight pence* per Month; of one Lieutenant *Seventeen shillings and ten pence* per Month; of one Serjeant *Seventeen shillings and ten pence* per Month; of two Corporals each *Sixteen shillings* per Month; of sixteen Centinels each *Thirteen shillings and four pence* per Month; of one Armourer *Two pounds* per Month; of one Interpreter *Two pounds* per Month; of one Truck Master after the Rate of *Forty pounds* per Annum; and to the Chaplain there after the Rate of *Thirty three pounds six shillings and eight pence* per Annum.

**And be it further enacted by the Authority aforesaid,**  
That the Wages of the commanding Officer of the Fort at *Brunswick Fort*, from the Twenty first of May, One thousand seven hundred and thirty eight, to the Twentieth of November, One thousand seven hundred and thirty eight, shall be *Seventeen shillings and ten pence* per Month; of six Centinels each *Thirteen shillings and four pence* per Month.

**And be it further enacted by the Authority aforesaid,**  
That the Wages of the Captain of the Truck-House above *Northfield*, from the Twenty first of May, One thousand seven hundred and thirty eight, to the Twentieth of November, One thousand seven hundred and thirty eight, shall be at the Rate of *One pound six shillings and eight pence* per Month; of one Lieutenant *Seventeen shillings and ten pence* per Month; of one Serjeant *Seventeen shillings and ten pence* per Month; of one Corporal *Sixteen shillings* per Month; of sixteen Centinels each *Thirteen shillings and four pence* per Month; The Truck Master at the Rate of *Thirty three pounds six shillings and eight pence* per Annum; of the Chaplain there at the Rate of *Thirty three pounds six shillings and eight pence* per Annum: And that there be allowed for the Subsistence of each Man, *Three shillings and four pence* per Week.

**And be it further enacted by the Authority aforesaid,**  
That the Wages of the Captain of the Truck House at *Saco River*, from the Twenty first of May, One thousand seven hundred and thirty eight, to the Twentieth of November, One thousand seven hundred and thirty eight, shall be at the Rate of *One pound six shillings and eight pence* per Month; of one Lieutenant *Seventeen shillings and ten pence* per Month; of one Corporal *Sixteen shillings* per Month; of thirteen Centinels each *Thirteen shillings and four pence* per Month; of one Interpreter *Two pounds* per Month; of one Armourer *Two pounds* per Month; of the Truck Master at the Rate of *Forty pounds* per Annum.

**And be it further enacted by the Authority aforesaid,**  
That the Wages of the Captain of the Sloop in the *Country's Service*, from the



Supply of the Treasury.

247

the Twenty first of May, One thousand seven hundred and thirty eight, to the Twentieth of November, One thousand seven hundred and thirty eight, shall be at the Rate of Two pounds per Month; of the Mate One pound six shillings and eight pence per Month; of the Sailors at Twenty shillings per Month each; for the Sloop Six pounds thirteen shillings and four pence per Month.

And be it further enacted by the Authority aforesaid,

That before Payment of any Muster-Roll be allowed, Oath be made by the Officer or Person presenting such Roll, That the Officers and Soldiers borne on said Roll, have been in actual Service for the whole Time they stand entered thereon.

Oath to be made to the Muster-Roll.

And be it further enacted by the Authority aforesaid,

That the Treasurer be and hereby is impowered and ordered to issue forth and emit the said Sum of Six thousand pounds in Bills of Credit of the new Tenor, now lying in his Hands, and received for Taxes, &c. for the necessary Support and Defence of the Government, and for the Protection and Preservation of the Inhabitants thereof, viz. the Sum of One thousand three hundred and thirty four pounds one shillings and ten pence, part of the aforesaid Sum of Six thousand pounds, to be applied to pay the Wages that now are, or that hereafter may be due by Virtue of the Establishment of Castle William, Richmond Fort, George's Truck House, Saco Truck House, Brunswick Fort, the Block House above Northfield, and the Sloop in the Country's Service. And Three thousand five hundred and seventy one pounds eighteen shillings and two pence more, part of the aforesaid Sum of Six thousand pounds, shall be applied for the Payment of such Grants as are or shall be made by this Court, and for the Payment of Stipends, Bounties and Præmiums established by Law, and for the Payment of all other Matters and Things which this Court have or shall, either by Law or Orders, provide for the Payment of out of the publick Treasury, and for no other Purpose whatsoever. And the Sum of One thousand and eleven pounds, part of the said Sum of Six thousand pounds shall be applied for the Discharge of other Debts owing from this Province to Persons who have served, or shall serve them, by Order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned for such Service, and for Paper, Printing and Writing for this Court, the Expences of Committees of Council, or of the House, or of both Houses, Entertainment of Indians, and Presents made them by this Court, the Surgeons for Castle William, and Wooding of said Castle.

6000 Bills of the new Tenor to be emitted.

1. 1334 11s. 10d. appropriated for Garrisons, &c.

1. 3571 18s. 2d. for the payment of Grants, &c.

1. 1011 for discharging other Debts.

AND whereas there are sometimes publick Entertainments, and from time to time contingent and unforeseen Charges, that demand prompt Payment;

Be it further enacted, That Eighty three pounds, part of the aforesaid Sum of Six thousand pounds, be applied to defrey and pay such Entertainments and contingent Charges, and for no other Use whatsoever.

1. 83 for contingent Charges.

And be it further enacted by the Authority aforesaid,

That if there be a Surplusage in any Sum appropriated, such Surplusage shall lye in the Treasury for the further Order of this Court.

Surplusage to lye for further Order.

And be it further enacted by the Authority aforesaid,

That each and every Warrant for drawing Money out of the Treasury, shall direct the Treasurer to take the same out of such Sums as are respectively appropriated.

Warrants to express the appropriation.



## Supply of the Treasury.

appropriated for the Payment of such publick Debts as the Draughts are made to discharge. And the Treasurer is hereby directed and ordered to pay such Money out of such Appropriations as directed to, and no other upon Pain of refunding all such Sum or Sums as he shall otherwise pay. And to keep exact and distinct Accompts of all Payments made out of such appropriated Sums: And that the Secretary, to whom it belongs to keep the Muster-Rolls and Accompts of Charge, be directed to lay before the House, all such Muster-Rolls and Accompts, when desired, after Payment thereof.

### And be it further enacted by the Authority aforesaid,

Fund of  
£. 6000 in a  
Tax appor-  
tioned on the  
Towns.

That as a Fund and Security for the drawing in and Repayment of the said Bills into the publick Treasury, and to no other Use and Purpose whatsoever, there be, and hereby is granted unto His most excellent Majesty, a Tax of Six thousand pounds, to be levied on Polls and Estates both Real and Personal, and by no other way, within this Province: And that each Town and District be assessed and pay as such Town's and District's Proportion of the aforesaid Sum of Six thousand pounds, the Sum affixed to such Towns respectively, as follows, That is to say,

### In the County of Suffolk.

Boston,	One thousand and thirty nine pounds ten shillings	1039	10	00
Roxbury,	Fifty two pounds six shillings	52	06	00
Dorchester,	Fifty one pounds ten shillings	51	10	00
Milton,	Twenty five pounds one shilling and six pence	25	01	06
Brantrey,	Forty nine pounds and six pence	49	00	06
Weymouth,	Thirty three pounds eight shillings	33	08	00
Hingham,	Fifty six pounds sixteen shillings	56	16	00
Dedham,	Thirty nine pounds fourteen shillings and six pence	39	14	06
Medfield,	Twenty five pounds eight shillings and six pence	25	08	06
Wrentham,	Thirty seven pounds twelve shillings and six pence	37	12	06
Medway,	Eighteen pounds five shillings and six pence	18	05	06
Stoughton,	Twenty nine pounds sixteen shillings and six pence	29	16	06
Hull,	Ten pounds eleven shillings and six pence	10	11	06
Brooklin,	Nineteen pounds thirteen shillings	19	13	00
Needham,	Twenty two pounds five shillings and six pence	22	05	06
Bellingham,	Ten pounds eighteen shillings	10	18	00
Walpole,	Ten pounds seven shillings and six pence	10	07	06

£. 1532 05 00

### In the County of Essex.

Salem,	One hundred and seventy two pounds ten shillings	172	10	00
Ipswich,	One hundred and sixty nine pounds	169	00	00
Newbury,	One hundred and forty one pounds fifteen shillings	141	15	00
Marblehead,	One hundred and twenty pounds	120	00	00
Lynn,	Fifty seven pounds ten shillings and six pence	57	10	06
Andover,	Sixty nine pounds fifteen shillings and six pence	69	15	06
Beverly,	Forty six pounds seventeen shillings and six pence	46	17	06
Rowley,	Forty five pounds ten shillings	45	10	00
Salisbury,	Fifty three pounds	53	00	00
Haverhill,	Fifty six pounds six shillings and six pence	56	06	06
Glocester,	Seventy eight pounds ten shillings and six pence	78	10	06
Topsfield,	Twenty one pounds fifteen shillings and six pence	21	15	06

Boxford,



## Supply of the Treasury.

649

Exford, Twenty seven pounds eight shillings	27	08	00
Wimbury, Forty seven pounds	47	00	00
Wadford, Twenty five pounds ten shillings and six pence	25	10	06
Wimham, Twenty pounds eight shillings and six pence	20	08	06
Worcester, Seventeen pounds two shillings	17	02	00
Woburn, Eighteen pounds five shillings	18	05	00
Widleton, Fifteen pounds fourteen shillings	15	14	00
Wimford, Six pounds	6	00	00
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	L.	1209	19 00

## In the County of Middlesex.

Cambridge, Thirty nine pounds four shillings and six pence	39	04	06
Waltham, One hundred & thirteen pounds three shill. & six p.	113	03	06
Watlington, Twenty four pounds twelve shillings & eight pence	24	12	08
Wincobury, Fifty four pounds eighteen shillings	54	18	00
Wick, Twenty two pounds six shillings and six pence	22	06	06
Woburn, Forty two pounds nineteen shillings	42	19	00
Woking, Forty pounds sixteen shillings and six pence	40	16	06
Woburn, Forty eight pounds nine shillings and six pence	48	09	06
Woburn, Forty pounds four shillings and six pence	40	04	06
Woking, Thirty pounds seven shillings and six pence	30	07	06
Woburn, Thirty six pounds seventeen shillings	36	17	00
Woburn, Thirty four pounds ten shillings	34	10	00
Woburn, Twenty seven pounds thirteen shillings & six pence	27	13	06
Woburn, Twenty nine pounds fifteen shillings	29	15	00
Woburn, Eighteen pounds one shilling	18	01	00
Woburn, Twelve pounds five shillings and six pence	12	05	06
Woburn, Thirty four pounds fifteen shillings and six pence	34	15	06
Woburn, Thirty five pounds eight shillings and six pence	35	08	06
Woburn, Nineteen pounds two shillings	19	02	00
Woburn, Seventeen pounds one shilling	17	01	00
Woburn, Ten pounds seventeen shillings	10	17	00
Woburn, Eleven pounds	11	00	00
Woburn, Twelve pounds eleven shillings	12	11	00
Woburn, Seventeen pounds fifteen shillings and six pence	17	15	06
Woburn, Fifteen pounds	15	00	00
Woburn, Thirteen pounds eight shillings and six pence	13	08	06
Woburn, Eighteen pounds one shilling	18	01	00
Woburn, Twelve pounds two shillings and six pence	12	02	06
Woburn, Seven pounds fourteen shillings and six pence	7	14	06
Woburn, Nine pounds eighteen shillings and six pence	9	18	06
Woburn, Six pounds eleven shillings	6	11	00
Woburn, Twenty one pounds fourteen shillings and four pence	21	14	04
Woburn, Six pounds	6	00	00
Woburn, Four pounds ten shillings	4	10	00
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	L.	889	15 00

## In the County of Hampshire.

Springfield, Sixty five pounds twelve shillings and six pence	65	12	06
Newhampton, Fifty pounds ten shillings and six pence	50	10	06
Hadley, Thirty six pounds nine shillings	36	09	00
Hasfield, Twenty seven pounds sixteen shillings	27	16	00
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	6 M		Westfield,



Supply of the Treasury.

Westfield, Thirty one pounds ten shillings and six pence	31	10	00
Suffield, Twenty seven pounds twelve shillings and six pence	27	12	00
Enfield, Twenty pounds four shillings	20	04	00
Deerfield, Eighteen pounds seven shillings and six pence	18	07	00
Sunderland, Nine pounds twelve shillings and six pence	9	12	00
Northfield, Fifteen pounds	15	00	00
Brimfield, Fifteen pounds seven shillings	15	07	00
Somers, Nine pounds thirteen shillings and six pence	9	13	00
Sheffield, Twelve pounds	12	00	00

£. 339 15 06

In the County of Worcester.

Worcester, Nineteen pounds ten shillings	19	10	00
Lancaster, Forty four pounds ten shillings	44	10	00
Mendon, Twenty nine pounds six shillings and six pence	29	06	06
Woodstock, Thirty pounds twelve shillings	30	12	00
Brookfield, Twenty four pounds eighteen shillings and six pence	24	18	06
Southborough, Seventeen pounds one shilling	17	01	00
Leicester, Fourteen pounds eleven shillings	14	11	00
Rutland, Nine pounds three shillings and six pence	9	03	06
Lunenburg, Nine pounds fifteen shillings	9	15	00
Westborough, Seventeen pounds three shillings and six pence	17	03	06
Shrewsbury, Sixteen pounds seventeen shillings and six pence	16	17	06
Oxford, Ten pounds ten shillings	10	10	00
Stilton, Twenty pounds eighteen shillings and six pence	20	18	06
Uxbridge, Fifteen pounds three shillings	15	03	00
Harvard, Twelve pounds two shillings	12	02	00
Grafton, Ten pounds thirteen shillings	10	13	00
Upton, Three pounds six shillings and six pence	3	06	06
Dudley, Six pounds	6	00	00

£. 312 01 06

In the County of Plymouth.

Plymouth, Fifty eight pounds six shillings	58	06	00
Plympton, Twenty six pounds four shillings	26	04	00
Scituate, Seventy four pounds three shillings	74	03	00
Bridgwater, Sixty seven pounds eleven shillings	67	11	00
Marshfield, Forty one pounds five shillings and six pence	41	05	06
Pembroke, Twenty two pounds one shilling and six pence	22	01	06
Duxborough, Twenty two pounds one shilling and six pence	22	01	06
Middleborough, Forty six pounds nine shillings and six pence	46	09	06
Rochester, Forty one pounds nineteen shillings and six pence	41	19	06
Abington, Thirteen pounds two shillings	13	02	00
Kingston, Fifteen pounds seven shillings and six pence	15	07	06
Hanover, Eighteen pounds fifteen shillings and six pence	18	15	06
Hallifax, Twelve pounds fifteen shillings	12	15	00

£. 460 01 06

In the County of Barnstable.

Barnstable, Sixty seven pounds eight shillings	67	08	00
Tarmonb, Forty two pounds fifteen shillings and six pence	42	15	06

Sandwich,



Supply of the Treasury.

651

10 00	Swanwich, Thirty nine pounds	39	00	00
12 00	Eastham, Forty eight pounds thirteen shillings	48	13	00
04 00	Weymouth, Sixteen pounds four shillings	16	04	00
07 00	Wareham, Thirty one pounds thirteen shillings and six pence	31	13	06
12 00	Bournemouth, Twenty four pounds nineteen shillings and six pence	24	19	06
00 00	Chatham, Eighteen pounds fourteen shillings	18	14	00
07 00	Providence-Town, Seven pounds fourteen shillings	7	14	00
13 00				
00 00				
		1. 297	01	06

In the County of Bristol.

10 00	Bristol, Forty four pounds eleven shillings	44	11	00
10 00	Langston, Fifty five pounds ten shillings and six pence	55	10	06
06 00	Norton, Thirty one pounds seventeen shillings	31	17	00
12 00	Easton, Ten pounds eight shillings and six pence	10	08	06
18 00	Dartmouth, Eighty six pounds thirteen shillings and six pence	86	13	06
01 00	Dighton, Twenty pounds and six pence	20	00	06
1 00	Rebobothe, Seventy pounds	70	00	00
1 00	Little Compton, Forty three pounds fifteen shillings & six pence	43	15	06
1 00	Swansey, Forty nine pounds ten shillings	49	10	00
1 00	Taverton, Twenty four pounds	24	00	00
1 00	Freetown, Twenty pounds two shillings	20	02	00
1 00	Athleborough, Thirty six pounds ten shillings and six pence	36	10	06
1 00	Barrington, Seventeen pounds	17	00	00
1 00	Raynham, Eleven pounds fifteen shillings and six pence	11	15	06
1 00	Berkeley, Twelve pounds nine shillings and six pence	12	09	06
		1. 534	04	00

In the County of York.

06 00	York, Fifty two pounds eight shillings and six pence	52	08	06
06 00	Kittery, Sixty seven pounds twelve shillings	67	12	00
06 00	Berwick, Thirty five pounds six shillings	35	06	00
06 00	Wills, Twenty nine pounds fourteen shillings	29	14	00
06 00	Falmouth, Thirty nine pounds sixteen shillings and six pence	39	16	06
06 00	Biddeford, Thirteen pounds five shillings and six pence	13	05	06
06 00	Arundel, Twelve pounds seven shillings and six pence	12	07	06
06 00	Scarborough, Twenty four pounds seventeen shillings	24	17	00
06 00	Norich Yarmouth, Eight pounds sixteen shillings	8	16	00
06 00	George-Town, Six pounds	6	00	00
		1. 290	03	00

In the County of Dukes-County.

06 00	Edgartown, Twenty four pounds	24	00	00
06 00	Obilmark, Twenty nine pounds eighteen shillings & eight pence	29	18	08
06 00	Tisbury, Sixteen pounds eleven shillings and four pence	16	11	04
		1. 70	10	00

In Nantucket County.

06 00	Marburn, Sixty four pounds four shillings	64	04	00
		SUFFOLK,		



Supply of the Treasury.

SUFFOLK, One thousand five hundred thirty two pounds five shillings	1532	05	00
ESSEX, One thousand two hundred & nine pounds nineteen shillings	1209	19	00
MIDDLESEX, Eight hundred eighty nine pounds fifteen shillings	889	15	00
HAMPSHIRE, Three hund. thirty nine pounds fifteen shill. & six p.	339	15	06
WORCESTER, Three hundred & twelve pounds one shilling & six p.	312	01	06
PLYMOUTH, Four hundred sixty pounds one shilling and six pence	460	01	06
BRISTOL, Five hundred thirty four pounds four shillings	534	04	00
BARNSTABLE, Two hund. ninety seven pounds one shill. & six pence	297	01	06
YORK, Two hundred and ninety pounds three shillings	290	03	00
DUKES-COUNTY, Seventy pounds ten shillings	70	10	00
NANTUCKET, Sixty four pounds four shillings	64	04	00

£. 6000 00 00

And be it further enacted by the Authority aforesaid,

That the Treasurer do sometime in the Month of June, One thousand seven hundred and forty, send out his Warrants directed to the Select Men or Assessors of each Town or District within this Province, requiring them respectively to assess the Sum hereby set upon such Town and District in manner following ;

Rules for  
assessing the  
Tax.

That is to say, To assess all rateable Male Polls, above the Age of sixteen Years, at One shilling and six pence per Poll, (except the Governour, Lieutenant Governour, and their Families, the President, Fellows, and Students of Harvard College, settled Ministers, and Grammar School-Masters) who are hereby exempted as well from being taxed for their Polls as for their Estates (being in their own Hands and under their actual Management and Improvement) and other Persons (if such there be) who through Age, Infirmary, or extream Poverty, in the Judgment of the Assessors, are not capable to pay towards publick Charges, they may except their Polls, and so much of their Estates, as in their Prudence they shall think fit and judge meet. And all Estate, both Real & Personal, lying within the Limits & Bounds of such Town or District, or next unto the same, not paying elsewhere, in whose Hands, Tenure, Occupation or Possession soever the same is or shall be found : Also the Income or Profit which any Person or Persons (except as before excepted) do or shall receive from any Trade, Faculty, Business or Employment whatsoever ; and all Profits which may or shall arise by Money, or other Estate not particularly otherwise assessed, or Commissions of Profit in their Improvement, according to their Understanding and Cunning, at One penny on the Pound, and to abate or multiply the same, if need be, so as to make up the Sum hereby set and ordered for such Town or District to pay. And in making their Assessments to estimate Houses and Lands at six Years Income of the yearly Rents in Bills of the new Tenor, whereat the same may be reasonably Set or Let for in the Place where they lye, (saving all Contracts between Landlord and Tenant, and where no such Contract is, the Landlord to reimburse one half of the Tax set upon such Houses and Lands) and to estimate Indian, Negro and Molatto Servants, proportionably as other Personal Estate, according to their sound Judgment and Discretion ; as also to estimate every Ox of four Years old and upwards at Forty shillings, in Bills of the new Tenor, every Cow of three Years old and upwards at Thirty shillings, every Horse and Mare of three Years old and upwards at Forty shillings, every Swine of one Year old and upwards at Eight shillings, every Goat and Sheep of one Year old and upwards at Three shillings : Likewise requiring the Assessors to make a fair List of said Assessment, setting forth in distinct Columns, against each particular Persons Name, how much he or she is assessed at for Polls, and how much for Houses and Lands, and how much for Personal Estate and Income by Trade or Faculty : And the List or Lists so perfected and signed by them, or the major Part of them, to commit to the Collectors, Constable



Supply of the Treasury.

653

ble or Constables of such Town or District, and to return a Certificate of the Name or Names of such Collectors, Constable or Constables, together with the Sum Total to each of them committed, unto himself, sometime before the last Day of *October* then next following. And the Treasurer for the time being, upon the Receipt of such Certificate, is hereby impowered and ordered to issue forth his Warrant to the Collector, Constable or Constables of such Town or District, requiring him or them respectively to collect the whole of each respective Sum assessed on each particular Person before the last Day of *March* then next following; and of the Inhabitants of the Town of *Boston* to collect their Proportion sometime in the Month of *January* then next following; and to pay in their Collection, and issue the Accompts of the whole, at or before the last Day of *May* then next following, which will be in the Year of our Lord, One thousand seven hundred and forty one.

And be it further enacted by the Authority aforesaid,

That the Assessors of each Town and District respectively in convenient Time before their making the Assessment, shall give seasonable Warning to the Inhabitants, in a Town-Meeting, or by posting up Notifications in some Place or Places in such Town or District, or otherwise to notify the Inhabitants, to give or bring in to the Assessors true and perfect Lists of their Polls and rateable Estates. And if any Person or Persons shall neglect or refuse so to do, or bring in a false List, it shall be lawful to and for the Assessors to assess such Person or Persons according to their known Ability in such Town, in their sound Judgment and Discretion, their due Proportion to this Tax, as near as they can, agreeable to the Rules herein given, under the Penalty of *Twenty shillings* for each Person that shall be convicted by legal Proof, in the Judgment of the Assessors, of bringing in a false List; the said Fines to be for the Use of the Poor of such Town or District where the Delinquent lives, to be levied by Warrant from the Assessors directed to the Collector or Constables, in manner as is directed for gathering Town Assessments, and to be paid into the Town Treasurer or Select Men for the Use aforesaid: Saving to the Party aggrieved, at the Judgment of the Assessors, in setting forth such Fine, liberty of Appeal therefrom, to the Court of General Sessions of the Peace within the County, for Relief, as in case of being over-rated. And if any Person or Persons shall not bring in a List of their Estate as aforesaid, to the Assessors, he or they so neglecting shall not be admitted to make Application to the Court of Sessions for any Abatement of the Assessment laid on him.

Notifications to be given of the Assessment.

Persons to bring in a List

Penalty in case of a false List.

AND if the Party be not convicted of any Falseness in the List by him presented, of Polls, rateable Estate, or Income by any Trade or Faculty, which he doth or shall Exercise in gaining by Money at Interest, or otherwise, or other Estate not particularly assessed, such List shall be a Rule for such Persons Proportion to the Tax, which the Assessors may not exceed.

AND forasmuch as oft-times sundry Persons not belonging to this Province, bring considerable Trade and Merchandize, and by reason that the Tax or Rate of the Town where they come, to Trade or Traffick is finished and delivered to the Constable or Collectors, and before the next Years Assessment are gone out of the Province, and so pay nothing towards the Support of the Government, tho' in the Time of their residing here they reaped considerable Gain by Trade, and had the Protection of the Government;

Preamble

Be it further enacted by the Authority aforesaid,

That when any such Person or Persons shall come and reside in any Town



Transient  
Traders to be  
rated.

of this Province, and bring any Merchandize and Trade and Deal there-  
with, the Assessors of such Town are hereby impowered to Rate and Assess  
all such Persons according to their Circumstances, pursuant to the Rules  
and Directions in this Act provided, tho' the former Rate may have been  
finished, and the new one not perfected as aforesaid.

AND the Constables or Collectors are hereby enjoyned to levy and  
collect all such Sums committed unto them, and to pay the same into the  
Town Treasury.

Proviso.

Provided always, That the General Court, at their Session in May, One  
thousand seven hundred and forty, may, if they think fit, by an Act then  
to be made, apportion the aforesaid Sum of Six thousand pounds on the sever-  
al Towns of this Province; any thing in this Act notwithstanding.

**And be it further enacted by the Authority aforesaid,**

Tax may be  
paid in other  
Species be-  
sides the Bills  
emitted.

That the Inhabitants of this Province shall have Liberty, if they see fit, to  
pay the several Sums for which they may respectively be assessed at, as their  
Proportion of the aforesaid Sum of Six thousand pounds, in Bills of publick  
Credit of the new Tenor, according to their several Denominations, or in  
Bills of the old Tenor in Proportion of Three to One, or in coined Silver  
at Six shillings and eight pence per Ounce, Troy Weight, or in Gold Coin at  
the Rate of Four pounds eighteen shillings per Ounce, or in Hemp or Flax, the  
Hemp to be received by the Treasurer at Four pence per Pound, and Flax  
at Six pence per Pound; which Hemp and Flax, as soon as conveniently may  
shall be disposed of by the Treasurer to the best Advantage, for so much as  
it will fetch in Bills of Credit of either Tenor, or for Silver and Gold. And  
if any Loss shall happen by the Sale of the aforesaid Species, or by any unfore-  
seen Accident, such Deficiency shall be made good by a Tax of the Year  
next following; so as fully and effectually to call in the whole Sum of Six  
thousand pounds in said Bills, hereby ordered to be emitted; and if there be  
a Surplusage, it shall remain a Stock in the Treasury.

**And be it further enacted by the Authority aforesaid,**

Bills outstan-  
ding in Dec.  
1742, to be  
paid off in Sil-  
ver and Gold.

That if it shall happen, that any of the Bills of the new Tenor and Form  
by this Act to be emitted, shall be outstanding and not paid in for Taxes,  
&c. unto the Constables or Collectors of the publick Taxes, or to the Treas-  
urer or other Receivers of publick Duties, that whosoever shall have any  
such Bills in his Hands or Possession, may, at any time after the last Day  
of December, which will be in the Year of our Lord, One thousand seven  
hundred and forty two, bring them to the Treasurer, and receive in Ex-  
change for every Six shillings and eight pence of said Bills, one Ounce of Sil-  
ver, or the like Value in Gold, and proportionably for a greater or lesser  
Sum; and the Treasurer is hereby ordered to exchange them accordingly.

Preamble.

AND forasmuch as this Government have of late, do now, and may hereafter  
emit Province Bills of a new Tenor, which they have ordered to pass in publick Pay-  
ments with Province Bills of the old Tenor, in Proportion as one Pound for three;  
which may prove very inconvenient, unless the Bills of those several Tenors may pass  
in the same Proportion in discharge of private Debts contracted between Man and  
Man;

**Be it therefore enacted by the Authority aforesaid,**

That all publick and private Debts whatsoever, which may be paid and  
discharged in and by Province Bills of the old Tenor, may and shall be dis-  
charged by the Province Bills of the new Tenor, in Proportion as one to  
three;



**Support of His Majesty's Governour.**

655

That is to say, That a Debt of *Twenty shillings*, dischargeable in Bills of the old Tenor, may and shall be discharged by *Six shillings and eight pence* in Bills of the new Tenor, or by one Ounce of Silver, and so *Vice versa*, that a Debt contracted for the Payment of *Six shillings and eight pence* in Bills of the new Tenor, may and shall be discharged by *Twenty shillings* in Bills of the old Tenor, or by one Ounce of Silver, and so *pro rata*, for a greater or lesser Sum.

CHAP. II.

An Act for granting the Sum of *Twelve hundred Pounds*, in Bills of Credit of the new Tenor, for the Support of His Majesty's Governour.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Sum of *Twelve hundred Pounds* in Bills of publick Credit on this Province, of the new Tenor, be & hereby is granted unto His most excellent Majesty, to be paid out of the publick Treasury to his Excellency **JONATHAN BELCHER**, Esq; Captain General and Governour in Chief and over His Majesty's Province of the *Massachusetts-Bay*, to enable him to go on in managing the publick Affairs.

And be it further enacted, That there be and hereby is granted unto His most excellent Majesty, as a Fund and Security for drawing in the said Bills by this Act ordered to be emitted, a Tax of *Twelve hundred Pounds*, to be levied on Polls & Estates, both Real & Personal, within this Province, according to such Rules & Directions, & in such Proportion, upon the several Towns & Districts within the same as shall be agreed on and ordered by the Great and General Court, at their Session in *May*, One thousand seven hundred and forty one, and paid into the publick Treasury on or before the last Day of *December* next after.

CHAP. III.

An Act for the Payment of the Members of His Majesty's Council, and the Representatives, serving in the General Court.

WHEREAS the Members of His Majesty's Council, and the Representatives serving in the General Court, are necessarily exposed to considerable Expence in travelling to and from the Place where the Court is holden, as well as during the time of their actual Attendance on the publick Service;

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from the beginning of the present session of this Court, unto the End of the several Sessions thereof, until *May* next, each Member of the Council shall be

Allowance to the Members of the Council for Attendance



656 Payment of the Council and Representatives.

be entitled to *Five shillings per Diem*, in Bills of Credit of the new Tenor and Form, now lying in the Treasurer's Hands, to be paid out of the publick Treasury by Warrant, according to the Direction of the ROYAL CHARTER, upon Certificate given by the Secretary, of the Number of Days of such Members Attendance and Travel to and from the Court twenty Miles to be accounted a Days Travel.

And be it further enacted by the Authority aforesaid

l. 1600 granted for the Pay of the Representatives.

That the Treasurer of the Province be and hereby is directed and empowered to issue, upon Warrant as aforesaid, the Sum of *Sixteen hundred Pounds* in Bills of Credit of the new Tenor and Form, now lying in the Treasurer's Hands as aforesaid, for the Payment of the Representatives serving in the General Court during the aforesaid Term, who shall be paid each *Three shillings and four pence per Diem*, as aforesaid, upon Certificate given by the Clerk of the House of Representatives, of the Number of Days of such Members Attendance and Travel to and from the Court; twenty Miles to be accounted a Days Travel.

Fund.

AND for a Fund and Security for drawing in such Sum or Sums as shall be paid out to the Representatives of the several Towns in manner as aforesaid;

Be it enacted by the Authority aforesaid, That

there be and hereby is granted unto His most excellent Majesty, a Tax of such Sum or Sums as shall be paid to the several Representatives as aforesaid, to be leyed and assessed on the Polls and Estates of the Inhabitants of the several Towns, according to what their respective Representatives shall so receive; which Sums shall be set on the said Towns in the next Province Tax. And the Assessors of the said Towns shall make their Assessment for this Tax, and apportion the same according to the Rule that shall be prescribed by Act of the General Assembly for assessing the next Province Tax. And the Constables in their respective Districts shall pay in the same when they pay in the Province Tax for the next Year; of which the Treasurer is hereby directed to keep a distinct and separate Account: And if there be any Surplusage the same shall lye in the Hands of the Treasurer for the further Order of this Court.

CHAP. IV.

An Act for preventing unnecessary Expence of Time in the Attendance of Petit Jurors on the several Courts of Justice, and for enlarging their Fees, and the Allowance to Witnesses in Civil Causes, and the Parties recovering Judgment.

Preamble.

WHEREAS the Fee already allowed by Law to the Petit Jury for each Verdict is Thirteen Shillings, and the Allowance to Witnesses in Civil Causes for their Attendance, Travel and Expences, is but Two Shillings per Diem; which Allowances are so small that the same will by no means defray their Charges; and inasmuch as Jurors are oftentimes detained at the Tryal and Hearing of Cases which do not come to them by reason of the Agreement of the Parties; Abatement of the Writ, or that the Plaintiff or Appellant for some Failure discontinues his Suit, or comes Non-Quit; and frequently (especially in the Inferiour Courts of Common Pleas) Judgment is entered up against the Defendants by default; by means whereof



great Part of the Jurys Time is unnecessarily taken up; for which they have no Allowance by Law, and yet are obliged to give their Attendance during the whole Time of the Courts sitting, until the Actions are gone through and finished:

Wherefore,

**Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,**

That the Fee or Allowance to be paid to the Petit Jury be henceforward *Twenty five shillings* for each Verdict, as well in Criminal as in Civil Causes, whereof *Three shillings* shall be to the Foreman, and *Two shillings* a Piece to the other Jurors; and that in the Court of General Sessions of the Peace, and in the Inferiour Court of Common Pleas, to be held in the County of *Suffolk*, the Petit Jurors shall not be obliged to give their Attendance before the second Tuesday of the Courts sitting; and in the Counties of *Essex, Middlesex, Hampshire, Worcester, Plymouth, Barnstable, Bristol, York* and *Dukes-County*, in the Inferiour Courts of Common Pleas and Courts of General Sessions of the Peace to be there held, the Petit Jurors shall not be obliged to give their Attendance till the second Day of the Courts sitting; to the End that the said Court may proceed upon and determine all Pleas in Bar and Abatement of Writs, and all such Actions as will not be committed to the Jury, so that their Time and Attendance be not unnecessarily taken up and delayed. And the Clerks of the respective Courts aforesaid, are hereby ordered and directed, in making out Writs of *Venire Facias* for the Choice of Petit Jurors, to give directions accordingly.

Fee for Petit Jurors.

Time of Jurors Attendance at the respective Courts, &c.

**And be it further enacted by the Authority aforesaid,**

That no Action be entred after the first Day of the Courts sitting, and that all Pleas in Bar and Abatement arising on the Writ be either entred thereon or filed with the Clerk of the Court, before the Jury be impanelled; and that if the Defendant in any Action suffer a Default, and shall afterwards come into Court and move for a Tryal of his Case, and be admitted thereto, and make Pleas in Bar or Abatement of the Writ, before he be allowed to make such Pleas he shall pay to the Clerk, for the Use of the Jurors attending such Court, *Twelve shillings and six pence*, to be divided among them in the aforesaid Proportions.

No Action to be entred after the first Day of the Courts sitting

Pleas in Bar or Abatement when to be entred or fil'd

Pleas in Bar &c. after Default.

**And be it further enacted by the Authority aforesaid,**

That Witnesses in Civil Causes shall be allowed and paid by the Party serving them with *Sub poena*, the Sum of *Four shillings per Diem* each, which shall be accounted due Satisfaction to any Witness for his Travel, Expences and Attendance accounting ten Miles Travel to a Day, and *Two shillings per Diem* to be accounted as aforesaid, shall be allowed the Party in whose Favour Judgment shall be obtained.

Allowance to Witnesses.

THIS Act to continue and be in Force for the Space of three Years from the Publication thereof.

Limitation.

CHAP. V.

**An Act for making more effectual an Act entitled, An Act for regulating the Militia.**

17 & 18. ch. 31

**WHEREAS** the several Penalties set or ordered to be imposed by the said Act Entitled, An Act for regulating the Militia, made and passed in the fifth Year of the Reign of King WILLIAM and Queen MARY, do not answer the good Design proposed in said Act:

Preamble



656 Payment of the Council and Representatives.

be entitled to *Five shillings per Diem*, in Bills of Credit of the new Tenor and Form, now lying in the Treasurer's Hands, to be paid out of the publick Treasury by Warrant, according to the Direction of the ROYAL CHARTER, upon Certificate given by the Secretary, of the Number of Days of such Members Attendance and Travel to and from the Court twenty Miles to be accounted a Days Travel.

**And be it further enacted by the Authority aforesaid**

*l. 1600 granted for the Pay of the Representatives.*

That the Treasurer of the Province be and hereby is directed and empowered to issue, upon Warrant as aforesaid, the Sum of *Sixteen hundred Pounds* in Bills of Credit of the new Tenor and Form, now lying in the Treasurer's Hands as aforesaid, for the Payment of the Representatives serving in the General Court during the aforesaid Term, who shall be paid each *Three shillings and four pence per Diem*, as aforesaid, upon Certificate given by the Clerk of the House of Representatives, of the Number of Days of such Members Attendance and Travel to and from the Court; twenty Miles to be accounted a Days Travel.

Fund.

*AND for a Fund and Security for drawing in such Sum or Sums as shall be paid out to the Representatives of the several Towns in manner as aforesaid;*

**We it enacted by the Authority aforesaid,**

That there be and hereby is granted unto His most excellent Majesty, a Tax of such Sum or Sums as shall be paid to the several Representatives as aforesaid, to be levied and assessed on the Polls and Estates of the Inhabitants of the several Towns, according to what their respective Representatives shall so receive; which Sums shall be set on the said Towns in the next Province Tax. And the Assessors of the said Towns shall make their Assessment for this Tax, and apportion the same according to the Rule that shall be prescribed by Act of the General Assembly for assessing the next Province Tax. And the Constables in their respective Districts shall pay in the same when they pay in the Province Tax for the next Year; of which the Treasurer is hereby directed to keep a distinct and separate Account. And if there be any Surplusage the same shall lye in the Hands of the Treasurer for the further Order of this Court.

CHAP. IV.

**An Act for preventing unnecessary Expence of Time in the Attendance of Petit Jurors on the several Courts of Justice, and for enlarging their Fees, and the Allowance to Witnesses in Civil Causes, and the Parties recovering Judgment.**

*Preamble.*

**WHEREAS** the Fee already allowed by Law to the Petit Jury for each Verdict is *Thirteen Shillings*, and the Allowance to Witnesses in Civil Causes for their Attendance, Travel and Expences, is but *Two Shillings per Diem*; which Allowances are so small that the same will by no means defray their Charges; and inasmuch as Jurors are oftentimes detained at the Tryal and Hearing of Cases which do not come to them by reason of the Agreement of the Parties; Abatement of the Writ, or that the Plaintiff or Appellant for some Failure discontinues his Suit, or comes Non-Suit; and frequently (especially in the Inferiour Courts of Common Pleas) Judgment is entered up against the Defendants by default; by means whereof



Petit-Jurors. Militia.

657

great Part of the Jurys Time is unnecessarily taken up; for which they have no Allowance by Law, and yet are obliged to give their Attendance during the whole Time of the Courts sitting, until the Actions are gone through and finished:

Wherefore,

**Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,**

That the Fee or Allowance to be paid to the Petit Jury be henceforward *Twenty five shillings* for each Verdict, as well in Criminal as in Civil Causes, whereof *Three shillings* shall be to the Foreman, and *Two shillings* a Piece to the other Jurors; and that in the Court of General Sessions of the Peace, and in the Inferiour Court of Common Pleas, to be held in the County of *Suffolk*, the Petit Jurors shall not be obliged to give their Attendance before the second Tuesday of the Courts sitting; and in the Counties of *Essex, Middlesex, Hampshire, Worcester, Plymouth, Barnstable, Bristol, York and Dukes-County*, in the Inferiour Courts of Common Pleas and Courts of General Sessions of the Peace to be there held, the Petit Jurors shall not be obliged to give their Attendance till the second Day of the Courts sitting; to the End that the said Court may proceed upon and determine all Pleas in Bar and Abatement of Writs, and all such Actions as will not be committed to the Jury, so that their Time and Attendance be not unnecessarily taken up and delayed. And the Clerks of the respective Courts aforesaid, are hereby ordered and directed, in making out Writs of *Venire Facias* for the Choice of Petit Jurors, to give directions accordingly.

Fee for Petit Jurors.

Time of Jurors Attendance at the respective Courts, &c.

**And be it further enacted by the Authority aforesaid,**

That no Action be entred after the first Day of the Courts sitting, and that all Pleas in Bar and Abatement arising on the Writ be either entred thereon or filed with the Clerk of the Court, before the Jury be impanelled; and that if the Defendant in any Action suffer a Default, and shall afterwards come into Court and move for a Tryal of his Case, and be admitted thereto, and make Pleas in Bar or Abatement of the Writ, before he be allowed to make such Pleas he shall pay to the Clerk, for the Use of the Jurors attending such Court, *Twelve shillings and six pence*, to be divided among them in the aforesaid Proportions.

No Action to be entred after the first Day of the Courts sitting

Pleas in Bar or Abatement when to be entred or fil'd

Pleas in Bar &c. after Default.

**And be it further enacted by the Authority aforesaid,**

That Witnesses in Civil Causes shall be allowed and paid by the Party serving them with *Sub poena*, the Sum of *Four shillings per Diem* each, which shall be accounted due Satisfaction to any Witness for his Travel, Expences and Attendance accounting ten Miles Travel to a Day, and *Two shillings per Diem* to be accounted as aforesaid, shall be allowed the Party in whose Favour Judgment shall be obtained.

Allowance to Witnesses.

THIS Act to continue and be in Force for the Space of three Years from the Publication thereof.

Limitation.

C H A P. V.

**An Act for making more effectual an Act entitled, An Act for regulating the Militia.**

**WHEREAS** the several Penalties set or ordered to be imposed by the said Act Entitled, An Act for regulating the Militia, made and passed in the fifth Year of the Reign of King WILLIAM and Queen MARY, do not answer the good Design proposed in said Act:

5 W. & M. ch. 8.

Preamble



For Remedy whereof;

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

Fines for neglect of Duty in the Militia stated in Bills of the new Tenour.

Manner of levying them

That all and each of the Forfeitures and Penalties set in the said Act, or thereby ordered to be inflicted, for the Breach or Non-observance of each or any of the several Clauses, Articles or Paragraphs therein, be henceforward paid in Province Bills of the new Tenor according to their several Denominations, or in Bills of the old Tenor, in Proportion as three to one of the new. And that the Clerk of each respective Troop or Company may, *Ex Officio*, distrain for any Fine or Penalty for Breach of any of the Clauses or Paragraphs in the aforesaid Act, for Breach of which he might have distrained by Force of said Act, the augmenting of said Fine notwithstanding; or may recover the same by Action of Debt before a Justice of the Peace, or any Court of Record proper to try the same: All the said Forfeitures to be applied to the Uses mentioned in said Act

*AND for preventing the Misapplication of the Money to be levied and collected for Breach of said Act;*

**Be it further enacted by the Authority aforesaid,**

Clerks of the Troops and Companies to keep Accounts of the Receipts and Disbursements of the Fines.

Overplus after the Companies Charges to be delivered to the Town-Treasurer.

Clerks of the Companies to be under Oath.

That the Clerk of each Troop or Company shall make and fairly enter in a Book (to be kept for that Purpose) a particular Account of the several Fines and Forfeitures collected and recovered as aforesaid; and of the Moneys so collected he shall lay out and improve so much as shall be necessary (his own Fees, as by Law established, being first deducted) for purchasing of Drums, Colours, Halberts, and other Necessaries, for the Use of the Troop or Company whereunto he belongs, as from time to time he shall receive Order from the Captain or chief Officer in Writing under his Hand: And every such Clerk shall likewise make a fair Entry of his several Disbursements of the Moneys by him collected, setting forth the Use to which the same has been applied. And sometime in the Month of *March* yearly, if required, deliver to the Captain, and to such others as are or may be concerned in ordering the Disposition of any Part of the Moneys so collected, an attested Copy of such Account of his Receipts and Disbursements; and shall receive for his Trouble therein (to be paid out of the Fines) such Remuneration as the Commission Officers of such Company shall judge reasonable; and the Overplus (if any be) on Ballance of such Account shall, in the Month of *March* annually, render to the Treasurer of the Town where such Company is, to be improved for the purchasing of Arms, Powder, Bullets, and such other Ammunition for a Town Stock, as by said Act is required. And every Military Clerk shall be under Oath (to be administered to him by a Justice of the Peace of the same County) for the faithful Discharge of his Duty and Trust in every of the Particulars before mentioned: and upon Conviction, before the Court of General Sessions of the Peace (upon Complaint made) of neglect therein, shall forfeit and pay the Sum of *Five Pounds*, to be laid out and improved for the Purposes aforesaid.

**And be it further enacted by the Authority aforesaid,**

Succeeding Clerk empowered to recover Moneys due from the former.

That upon the Death or Removal of any Military Clerk, his Successor in the said Office, shall have Power, and is hereby authorized to demand, sue for and recover of such Clerk (if living) and of the Executors or Administrators of any Clerk deceased, such Sum or Sums of Money (collected



**Militia. Proprietors of Townships.**

659

as aforesaid) as remained in his Hands at the Time of his Death or Removal, and not applied to the Use of such Company, according to the Directions of the Law.

**And be it further enacted by the Authority aforesaid,**

That when any Servant, Apprentice or other Person, under the Age of Twenty one Years, liable by Law to Train, and having been duly warned (not less than four Days Notice beforehand to be accounted sufficient, unless in Case of an Alarm or other extraordinary Occasion) shall not attend on Military Exercises on Training Days, or on Military Watches, the Master, Parent or other Person, who hath the immediate Care and Government of such Delinquent, shall be answerable for such Neglect, and be obliged to satisfy and pay the Fine by Law imposed for such Delinquency, and shall be liable to a Suit for the same as above provided.

Parents and Masters to pay the Fines of their Sons or Servants.

**And be it further enacted,** That every Person listed and orderly admitted into any Company, shall so continue and attend his Duty there, unless such Person (by Name) be dismiss'd, by writing under the Hand of the chief Officer of the Company or Regiment, to which he belongs, or of the Captain General or Commander in Chief of the Province, or be removed out of the Town or Precinct, on pain of incurring (for each Offence or Neglect) the Penalty by Law already provided in Case of Non-appearance on Training Days.

How Persons must be dismiss'd from their Company.

THIS Act to continue and be in Force for the Term of three Years from the Publication hereof, and no longer. **Limitation.**

**C H A P. VI.**

**An Act to enable the Proprietors of the several Townships lately granted by the General Court to raise Moneys for defraying the Charges of settling the same.**

**WHEREAS** the Proprietors or present Possessors of several Townships granted by this Court, have passed Votes for the raising several Sums of Money upon their Rights or Lots, to defray the necessary Charges of bringing forward the Settlement of the said Townships; which Votes have not been complied with by the several Proprietors, nor is there any Method as yet prescribed to render the said Votes effectual, or other Votes which the Proprietors may hereafter make;

**Preamble.**

12<sup>th</sup> 2<sup>nd</sup> 18

**Be it therefore enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same,**

That when any Person or Grantee of such new Plantation or Township already granted by this Court, where the Condition of the Grant is not fulfilled, shall neglect or delay to pay the Treasurer or Committee of such Township such Sum or Sums of Money, as shall be from time to time voted to be raised on their Lands or Rights, for thirty Days after such Rate or Tax is made and published in the Shire Town of the County where such Lands lye, and in the Town where the Clerk of such Proprietors shall live, as also in such other Town or Towns as have heretofore been, or as the said Proprietors shall appoint, for

Lands of delinquent Grantees in the new Townships to be sold in case



660 **Proprietors of Townships. Bolton a Township.**

Disposition  
of the Pro-  
duce of such  
Sale.

for the notifying of Meetings; and in thirty Days after, the Grantee or his Assigns may be notified thereof by advertising the same in one or more of the News-Letters; that then the Committee chosen by such new Plantation or Township, or the major Part of them, may, and hereby are fully impowered, at a publick Vendue (notice thereof in the publick Prints as aforesaid being given) to sell such delinquent Proprietors Lots and after Rights in said Township, to such Person or Persons as may appear to give most for the same, and will give Bond to the Committee, or other Person appointed by the General Court to take Bond, for the Performance of the Conditions of the original Grant, and the original Grantee shall have his former Bond given up and delivered him if he desire the same; the Money arising on such Sale to be applied for the defraying such delinquent Proprietors Rate or Tax; and the Over-plus, if any there be (after all Charges arising about the same are subducted) shall be paid, the one half to the Treasurer of said Township for the general Use and Service of the said Township, and the residue to the said delinquent Proprietor, his Heirs or Assigns.

Proviso.

*Provided always,* That if such Proprietors are not Inhabitants of this Province, that then there be reserved to them, their Heirs or Assigns, a Liberty of Redemption of such Rights, they paying to the Purchaser or Grantee, or their their respective Heirs, within six Months, such Sum as the Lands sold for, with the Costs arisen by Improvement made thereon, and double Interest, until the same be redeemed.

Proviso.

*Provided also,* That where any Grantee has brought forward a Settlement and is in the actual Possession of his Right, that then and in such Case so much only, and no more, of his Right shall be Sold as may be sufficient to defray such Proprietors Rate, and the Charges arising on the Sale.

C H A P. VII.

**An Act for dividing the Town of Lancaster, in the County of Worcester, and erecting a new Town there by the Name of Bolton.**

Preamble.

*W H E R E A S* the South Easterly Part of the Town of Lancaster, is competently fill'd with Inhabitants, who labour under great Difficulties by reason they live very remote from the Place of publick Worship in said Town; and having address'd this Court that they may be set off a distinct and separate Township, whereunto the Inhabitants of said Town, by their Vote, have manifested their Consent;

A new Town  
granted by  
the Name of  
Bolton.

Boundsthere-  
of.

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

That the easterly Part of the Town of Lancaster, be and hereby is set off from the said Town of Lancaster, and erected into a separate and distinct Township by the Name of Bolton, according to the following Boundaries, viz. North easterly upon Harvard, Easterly upon Stow, South easterly upon Marlborough, Southerly upon Westborough, and Westerly upon Lancaster, by a Line running near a South and North Point, parallel with the West Line of said Township of Lancaster, at four Miles distance therefrom, agreeable to a Vote of the said Town, pass'd the first Day of March 1735. And that the Inhabitants thereof be and hereby are vested with all those Powers, Privileges and Immunities that the Inhabitants of other Towns within this Province are or ought by Law to be vested with.

*Provided,*



Sickness.

661

Provided, That the said Town of *Bolton* shall be liable and subject to the Payment of their proportionable Part of the Town of *Lancaster's* Province and County Tax for the present Year, as tho' they were not by this Act separated from them. Proviso.

[ The six foregoing Acts were published July 27. 1738. ]

C H A P. VIII.

An Act for regulating the Hospital on *Rainsford's* Island, and further providing in Case of Sickness.

WHEREAS a good and convenient House hath lately been built at the Charge of the Province, on the Island called *Rainsford's* Island, for the Reception of such Persons as shall be visited with any contagious Sickness; Preamble.

Be it therefore enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same,

That the commanding Officer at *Castle William* (having Orders therefor from the Captain General or Commander in Chief) and the Keeper of the Light House shall notify and direct the Masters of all Vessels coming near them, wherein any infectious Sickness is or hath lately been, at their coming in, to come to Anchor as near the before-mentioned House as may be, that the sick Persons, and every thing else on board said Ship that may give Infection, (proper to be put into the said House) may be removed into it with the greater Ease and Safety. Masters of Vessels to be notified of the Hospital at their coming in.

And be it further enacted by the Authority aforesaid,

That upon Application made by said Master or Commander, to two of His Majesty's Justices of the Peace, and the Select Men of the Town of *Boston*, the said Justices and Select Men are hereby impowered to permit such Passengers, Goods or Lading as they shall judge free from Infection, to come on Shoar, or be taken out and disposed of as the Owners shall see meet; and such Passengers and Goods, as shall not be permitted as aforesaid, shall remain on board or be put into the said Hospital. And if any Master or immediate Commander of any such Vessel for the Time being, shall come on shore, or suffer any of his People or Passengers to come on shore, or any Boats to come on board, or suffer any Goods to be taken out of his Vessel, unless permitted as aforesaid, or shall come up with his Vessel, until by a Certificate under the Hands of two Justices, and the Select Men as aforesaid, it shall appear to the Captain General that the said Vessel, Company and Goods are clear of Infection, and the Orders for stopping and detaining the same be removed and taken off, he shall for every such Offence forfeit the Sum of *Fifty pounds*; and in Case he be not able to pay that Sum he shall suffer six Months Imprisonment. And if any Sailors or Passengers, coming in said Vessel, shall, without the Knowledge or Consent of the Master, presume to come on shore, or up above the said Castle, or if any Person from Town or Country, presume to go on board such Vessel, or go to the aforesaid House or Hospital in time of Infection there, without Leave from the Authority aforesaid; or if any Person, put sick into the said House, or sent there on Suspicion of being infected, shall presume to go off the Island without Leave as aforesaid, every Person offending in any of the abovementioned Particulars Rules to be observed referring to infected Persons and Goods. Penalty for not observing the said Rules.



662 **Sickness. Trustees of the 100,000 l. Loan.**

lars shall forfeit the Sum of *Ten pounds*: And in Case any Person be not able to pay the said Sum, he shall suffer two Months Imprisonment. All the abovementioned Fines to be sued for and recovered by the Province Treasurer for the Time being; one Third of the Fines to be to His Majesty for the Use of this Government; one Third to the Informer, and one Third to the Province Treasurer for the Time being.

Fines how to be recovered and disposed of.

Infected Vessels, Persons, &c. to be ordered to the Hospital.

13W.3.ch.19.

How necessary for the Sick are to be provided.

Limitation.

**And be it further enacted by the Authority aforesaid,** That when and so often as any Ship or other Vessel, wherein any Infection or infectious Sickness hath lately been, shall come to any Port or Harbour within this Province, or when and so often as any Person or Persons belonging to, or that may, either by Sea or Land, come into any Town or Place near the publick Hospital within this Province, shall be visited, or who lately before may have been visited, with any infectious Sickness, the Justices and Select Men of such Place be impowered, immediately to Order the said Vessel and sick Persons to the Province Hospital or House aforesaid; there to be taken Care of according to the Direction of this Act. And where any such Ship, Vessel or Persons cannot, without any great Inconvenience and Damage, be ordered to the aforesaid House or Hospital; in every such Case the Rules and Directions are to be observed, which are already made in and by the Act pass'd in the thirteenth Year of the Reign of his late Majesty King WILLIAM the Third, intituled, *An Act providing in Case of Sickness.*

**AND** the Select Men of *Boston* are directed and impowered to provide Nurseries, Assistance and other Necessaries for the Comfort and Relief of such sick Persons sent to said Hospital as aforesaid; the Charge thereof to be borne by the said Persons themselves, if able, or if poor and indigent, then at the immediate Charge of the Province.

**THIS** Act to continue in Force until the End of the Session of this Court in *May*, Anno, One thousand seven hundred and forty three, and no longer.

**CHAP. IX.**

**An Act to enable and oblige the surviving Trustees or Commissioners of the One hundred thousand Pounds Loan, to comply with their Duty by Law required.**

Preamble.

**WHEREAS** in and by an Act pass'd in the third Year of the Reign of his late Majesty King GEORGE the First, entitled, *An Act for the making and emitting the Sum of One hundred thousand Pounds in Bills of Credit on this Province, in such manner as in the said Act is expressed; Commissioners were appointed in the principal Counties within this Province, & Provision was thereby made, that in case of the Refusal or Removal by Death, or otherwise, of any of the said Commissioners, the Court of General Sessions of the Peace in the respective Counties, were directed and impowered to nominate and appoint a Commissioner or Commissioners to supply such Vacancy, and that three of such Commissioners for each County should be a Quorum* And whereas several of the Counties within this Province are without a Quorum of such Commissioners, and those that survive cannot, without the Aid of this Court, fulfil their Trust;

Be



**Trustees of 100,000 l. Loan. Poor Prisoners for Debt. 663**

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

That where it has already or may hereafter happen in either of the Counties, there are, or at any time hereafter may, be but two of such Commissioners as aforesaid, surviving in any County, such surviving Commissioners shall be, and hereby are, fully authorized, empowered and directed to settle all Accounts respecting that part of the said *One hundred thousand Pounds*, which the Commissioners of such County have received, yet remaining unsettled; and to pursue the Directions of the several Laws or Orders of this Court relating thereto, in as full and ample manner, to all Intents and Purposes, as if a major Part of such Commissioners had been living; and that they be entitled to all the Benefits accruing thereby.

Two Commissioners if no more survive, empowered to act.

**And be it further enacted by the Authority aforesaid,**

That the Trustees or Commissioners for each County, be and hereby are directed to settle their respective Accounts of the said Loan, and pay the Ballance remaining in their Hands unto the Treasurer of this Province, on or before the last Day of *May* next, and deliver up the Mortgages of such Lands as remain unsold; under the Penalty of paying the whole of such Ballance, or the Value of such mortgaged Land as aforesaid.

Commissioners to finish their Work under Penalty.

**And be it further enacted by the Authority aforesaid,**

That the Treasurer of the Province for the Time being, be and hereby is fully Impowered and Directed, in Behalf of the Province, to prosecute such of the aforesaid Commissioners as shall not comply with this Act in manner as aforesaid.

Treasurer to prosecute delinquent Commissioners.

**C H A P. X.**

**An Act in addition to and explanation of the Act for Relief of poor Prisoners for Debt.**

*WHEREAS* different Constructions have been made of the Act for Relief of poor Prisoners for Debt; by means whereof grievous and expensive Law Suits have arisen and may yet farther arise, unless prevented by this Court; Preamble,

To which End;

**Be it enacted & declared by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

That every poor Prisoner for Debt, taking the Benefit of the Act aforesaid, ought to be kept in Goal so long as the Creditor, his Attorney or Agent, shall pay for such Prisoner's Subsistence, in the manner directed by the Act subsisting when he was imprisoned, and no longer, whether such Act be expired or not; and that the Payment or Tender of such poor Prisoner's Subsistence by the Executor or Administrator of the Attorney or Agent of the Creditor ought and shall be of the same Force & Efficacy, as if done by the Creditor himself, and that this is and hath been the true Intent and Meaning of the aforesaid Act for Relief of poor Prisoners for Debt, and that it ought always to be so understood and construed.

Act referring to poor Prisoners for Debt explained.

**AND**



AND whereas no Provision is made in the aforesaid Act for the Relief of poor Prisoners for Debt, whose Creditors live without the Limits of this Province, and have no Attorney or Agent within it;

Be it enacted by the Authority aforesaid, That in every such Case the Justices to whom such poor Prisoner shall apply to take the Benefit of said Act, shall cause a Notification to be left with the Clerk of the Court out of which the Execution issued, and shall give double the Time as if such Creditor or his Attorney lived within the Province, and that in all other Respects the Method of proceeding shall be the same as if the Creditor was an Inhabitant of this Province.

Rules refer-  
ring to poor  
Prisoners  
whose Credi-  
tors live out  
of the Pro-  
vince.

[ The three foregoing Acts were published, June 30. 1738. ]

in Act in addition to and explanation of the Act for  
Relief of poor Prisoners for Debt.  
**B O S T O N :**

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**GOVERNOUR and COUNCIL.**



